



## PRO MEMO

08/25/2014 09:00 AM

COURTROOM 8A

HONORABLE MICHAEL WILLIAMSON

CASE NUMBER:

FILING DATE:

8:11-bk-22258-MGW

Chapter 7

10/01/2013

ADVERSARY: 8:13-ap-00893-MGW

Pltf Atty: Bennie Lazzara

Dft Atty: Carol A Licko

DEBTOR: Fundamental Long Term Care, Inc.

### HEARING:

Estate of Juanita Jackson et al v. General Electric Capital Corporation et al

(1) Joint Motion to Exclude Steven S. Oscher as Plaintiffs' Expert Witness at Trial Filed by Gregory M McCoskey on behalf of Defendants Murray Forman, Fundamental Administrative Services, LLC, Leonard Grunstein, Hunt Valley Holdings LLC f/k/a Fundamental Long Term Care Holdings, LLC, THI of Baltimore, Inc. Doc #631

-Response to Motion to Exclude Expert Testimony of Steven Oscher Filed by Daniel R. Fogarty on behalf of Plaintiffs Estate of Arlene Townsend, Estate of Elvira Nunziata, Estate of James Henry Jones, Estate of Joseph Webb, Estate of Juanita Jackson, Estate of Opal Lee Sasser (related document(s)[631]) Doc #771

~(2) Joint Motion to Exclude Certain Opinions of Trustee's Expert Soneet Kapila at Trial Filed by Gregory M McCoskey on behalf of Defendants Murray Forman, Fundamental Administrative Services, LLC, Leonard Grunstein, Hunt Valley Holdings LLC f/k/a Fundamental Long Term Care Holdings, LLC, THI of Baltimore, Inc. (McCoskey, Gregory) Doc #632

-Response to Motion to Exclude Opinions of Soneet Kapila Filed by Steven M Berman, Attorney for Trustee on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc. (related document(s)[632]). Doc #734

\*(3) Motion to Exclude Testimony From Plaintiffs' Expert R. Puntillo Filed by Carol A Licko on behalf of Defendant General Electric Capital Corporation (Licko, Carol) Doc #642

-Response to GECC's Motion to Exclude Expert Opinion of Richard Puntillo Filed by Daniel R. Fogarty on behalf of Plaintiff Estate of Juanita Jackson (related document(s)[642]) Doc #739

-Reply in Support of Motion to Exclude Testimony of Plaintiffs' Expert R. Puntillo Filed by Carol A Licko on behalf of Defendant General Electric Capital Corporation (related document(s)[642]) Doc #815

\*(4) Motion To Exclude Expert Opinion Of Plaintiffs' Expert Puntillo Filed by Daniel J Weiss on behalf of Defendants Ventas Realty, LP, Ventas, Inc. (Weiss, Daniel) Doc #643

-Response to Ventas' Motion to Exclude Expert Opinion of Richard Puntillo Filed by Daniel R. Fogarty on behalf of Plaintiff Estate of Juanita Jackson (related document(s)[643]) Doc #742

-Reply In Support Of Ventas's Motion To Exclude Expert Testimony Of R. Puntillo Filed by Daniel J Weiss on behalf of Defendants Ventas Realty, LP, Ventas, Inc. (related document(s)[643]) Doc #827

~(5) Motion to Exclude the Opinions of Richard Puntillo and James Feltman Filed by Jeffrey W. Warren on behalf of Defendants GTCR Associates VI, GTCR Fund VI, LP, GTCR Golder

Rauner, LLC, GTCR Partners VI, LP, GTCR VI Executive Fund, LP, Edgar D Jannotta Jr., THI Holdings, LLC. (Warren, Jeffrey) Doc #648

-Response to GTCR Entities' Motion to Exclude Expert Testimony of Richard Puntillo and James Feltman Filed by Daniel R.

Fogarty on behalf of Plaintiff Estate of Juanita Jackson (related document(s)[648]) Doc #740

-Reply in Support of Motion to Exclude the Opinions of Richard Puntillo and James Feltman Filed by Jeffrey W. Warren on behalf of GTCR Associates VI, GTCR Fund VI, LP, GTCR Golder Rauner, LLC, GTCR Partners VI, LP, GTCR VI Executive Fund, LP, Edgar D Jannotta Jr., THI Holdings, LLC (related document(s)[648]) Doc #798

\*(6) Motion to Exclude Testimony of Carl Hagwood, Esq. Filed by Steven M Berman, Attorney for Trustee on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc. Doc #650

-Response to Trustee's Motion to Exclude Testimony of Carl Hagwood, Esq. Filed by Sara L Alpert on behalf of Defendants Murray Forman, Leonard Grunstein (related document(s)[650]) Doc #735

-Reply in Support of Motion to Exclude Testimony of Carl Hagwood, Esq. Filed by Jaime Austrich on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc. (related document(s)[650]) Doc #830

~(7) Motion to Exclude Opinions of Nancy Rapoport Filed by Jeffrey W. Warren on behalf of Defendants GTCR Associates VI, GTCR Fund VI, LP, GTCR Golder Rauner, LLC, GTCR Partners VI, LP, GTCR VI Executive Fund, LP, Edgar D Jannotta Jr., THI Holdings, LLC (Warren, Jeffrey) Doc #651

-Response to Motion to Exclude Opinions of Nancy Rapoport Filed by Steven M Berman, Attorney for Trustee on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc. (related document(s)[651]) Doc #736

-Reply in Support of Motion to Exclude Opinions of Nancy Rapoport Filed by Jeffrey W. Warren on behalf of GTCR Associates VI, GTCR Fund VI, LP, GTCR Golder Rauner, LLC, GTCR Partners VI, LP, GTCR VI Executive Fund, LP, Edgar D Jannotta Jr., THI Holdings, LLC (related document(s)[651]) Doc #797

~(8) Motion to Strike Expert Testimony of Mark L. Berenblut and Patrick F. Gannon Filed by Steven M Berman, Attorney for Trustee on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc.) (Berman, Attorney for Trustee, Steven) Doc #653

-Response to Trustee's Motion to Strike Expert Testimony of Mark L. Berenblut and Patrick F. Gannon Filed by Gregory M McCoskey on behalf of Defendants Murray Forman, Fundamental Administrative Services, LLC, Leonard Grunstein, Hunt Valley Holdings LLC f/k/a Fundamental Long Term Care Holdings, LLC, THI of Baltimore, Inc. (related document(s)[653]) Doc #728

-Opposition to the Trustee's Motion to Strike Expert Testimony Filed by Carol A Licko on behalf of Defendant General Electric Capital Corporation (related document(s)[653]) Doc #729

(9) Motion for Reconsideration Regarding Ventas's Summary Judgment Motion Filed by Daniel J Weiss on behalf of Defendants Ventas Realty, LP, Ventas, Inc. Doc #825 [Not Noticed]

(10) Motion for Reconsideration and Request for Hearing regarding General Electric Capital Corporation's Motion for Summary Judgment Filed by Carol A Licko on behalf of Defendant General Electric Capital Corporation Doc #833 [Not Noticed]

#### **APPEARANCES::**

Brian Gart for Dbtr (telephonic), Steve Berman, Jamie Austrich & Seth Traub for Trustee, Patricia Redmond for Alan Grochal, Receiver, Carol Licko, Dennis Tracey, & Joel Samuels (telephonic) for GECC, Greg McCoskey & Christopher Hopkins (telephonic) for Fundamental Admin. Svcs, LLC, Daniel Fogarty, Harley Riedel, Isaac Ruiz-Carus & Bennie Lazzara for Estate of Jackson, et al., Patrick Quinn (telephonic) for Christine Zack, Jeffrey Warren, Brian Sieve, Matthew Nirider, Gabor Balassa & James Stempel (telephonic) for GTCR entities, et al., Steven Leitess (telephonic) for Kristi Anderson, Dan Weiss, Ron Peterson (telephonic) & Hunter Carroll for Ventas, James Sottile, Nathan Berman & Paul Possinger (telephonic) for Murray Forman, et al.

#### **RULING:**

(1) Joint Motion to Exclude Steven S. Oscher as Plaintiffs' Expert Witness at Trial Filed by Gregory M McCoskey on behalf of Defendants Murray Forman, Fundamental Administrative Services, LLC, Leonard Grunstein, Hunt Valley Holdings LLC f/k/a Fundamental Long Term Care Holdings, LLC, THI of Baltimore, Inc. Doc #631, -Response to Motion to Exclude Expert Testimony of Steven Oscher Filed by Daniel R. Fogarty on behalf of Plaintiffs Estate of Arlene Townsend, Estate of Elvira Nunziata, Estate of James Henry Jones, Estate of Joseph Webb, Estate of Juanita Jackson, Estate of Opal Lee Sasser (related document(s)[631]) Doc #771 - Granted, order by Berman

~(2) Joint Motion to Exclude Certain Opinions of Trustee's Expert Soneet Kapila at Trial Filed by Gregory M McCoskey on behalf of Defendants Murray Forman, Fundamental Administrative Services, LLC, Leonard Grunstein, Hunt Valley Holdings LLC f/k/a Fundamental Long Term Care Holdings, LLC, THI of Baltimore, Inc. (McCoskey, Gregory) Doc #632, -Response to Motion to Exclude Opinions of Soneet Kapila Filed by Steven M Berman, Attorney for Trustee on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc. (related document(s)[632]) Doc #734 - Denied w/o/p to raise at Trial, order by Berman

\* (3) Motion to Exclude Testimony From Plaintiffs' Expert R. Puntillo Filed by Carol A Licko on behalf of Defendant General Electric Capital Corporation (Licko, Carol) Doc #642, -Response to GECC's Motion to Exclude Expert Opinion of Richard Puntillo Filed by Daniel R. Fogarty on behalf of Plaintiff Estate of Juanita Jackson (related document(s)[642]) Doc #739, -Reply in Support of Motion to Exclude Testimony of Plaintiffs' Expert R. Puntillo Filed by Carol A Licko on behalf of Defendant General Electric Capital Corporation (related document(s)[642]) Doc #815, (4) Motion To Exclude Expert Opinion Of Plaintiffs' Expert Puntillo Filed by Daniel J Weiss on behalf of Defendants Ventas Realty, LP, Ventas, Inc. (Weiss, Daniel) Doc #643, -Response to Ventas' Motion to Exclude Expert Opinion of Richard Puntillo Filed by Daniel R. Fogarty on behalf of Plaintiff Estate of Juanita Jackson (related document(s)[643]) Doc #742, -Reply In Support Of Ventas's Motion To Exclude Expert Testimony Of R. Puntillo Filed by Daniel J

Weiss on behalf of Defendants Ventas Realty, LP, Ventas, Inc. (related document(s)[643]) Doc #827, (5) Motion to Exclude the Opinions of Richard Puntillo and James Feltman Filed by Jeffrey W. Warren on behalf of Defendants GTCR Associates VI, GTCR Fund VI, LP, GTCR Golder Rauner, LLC, GTCR Partners VI, LP, GTCR VI Executive Fund, LP, Edgar D Jannotta Jr., THI Holdings, LLC. (Warren, Jeffrey) Doc #648, -Response to GTCR Entities' Motion to Exclude Expert Testimony of Richard Puntillo and James Feltman Filed by Daniel R. Fogarty on behalf of Plaintiff Estate of Juanita Jackson (related document(s)[648]) Doc #740, -Reply in Support of Motion to Exclude the Opinions of Richard Puntillo and James Feltman Filed by Jeffrey W. Warren on behalf of GTCR Associates VI, GTCR Fund VI, LP, GTCR Golder Rauner, LLC, GTCR Partners VI, LP, GTCR VI Executive Fund, LP, Edgar D Jannotta Jr., THI Holdings, LLC (related document(s)[648]) Doc #798 (3-5) - Granted in part as to Opinion #3, Denied w/o/p in part to raise at Trial, order by Berman

\*(6) Motion to Exclude Testimony of Carl Hagwood, Esq. Filed by Steven M Berman, Attorney for Trustee on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc. Doc #650, -Response to Trustee's Motion to Exclude Testimony of Carl Hagwood, Esq. Filed by Sara L Alpert on behalf of Defendants Murray Forman, Leonard Grunstein (related document(s)[650]) Doc #735, Reply in Support of Motion to Exclude Testimony of Carl Hagwood, Esq. Filed by Jaime Austrich on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc. (related document(s)[650]) Doc #830 - Granted, order by Berman

~(7) Motion to Exclude Opinions of Nancy Rapoport Filed by Jeffrey W. Warren on behalf of Defendants GTCR Associates VI, GTCR Fund VI, LP, GTCR Golder Rauner, LLC, GTCR Partners VI, LP, GTCR VI Executive Fund, LP, Edgar D Jannotta Jr., THI Holdings, LLC (Warren, Jeffrey) Doc #651, -Response to Motion to Exclude Opinions of Nancy Rapoport Filed by Steven M Berman, Attorney for Trustee on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc. (related document(s)[651]) Doc #736, -Reply in Support of Motion to Exclude Opinions of Nancy Rapoport Filed by Jeffrey W. Warren on behalf of GTCR Associates VI, GTCR Fund VI, LP, GTCR Golder Rauner, LLC, GTCR Partners VI, LP, GTCR VI Executive Fund, LP, Edgar D Jannotta Jr., THI Holdings, LLC (related document(s)[651]) Doc #797 - Denied w/o/p to raise at Trial, order by Berman

~(8) Motion to Strike Expert Testimony of Mark L. Berenblut and Patrick F. Gannon Filed by Steven M Berman, Attorney for Trustee on behalf of Intervenor-Plaintiff Beth Ann Scharrer, Trustee, Plaintiff Trans Health Management, Inc.) (Berman, Attorney for Trustee, Steven) Doc #653, -Response to Trustee's Motion to Strike Expert Testimony of Mark L. Berenblut and Patrick F. Gannon Filed by Gregory M McCoskey on behalf of Defendants Murray Forman, Fundamental Administrative Services, LLC, Leonard Grunstein, Hunt Valley Holdings LLC f/k/a Fundamental Long Term Care Holdings, LLC, THI of Baltimore, Inc. (related document(s)[653]) Doc #728, -Opposition to the Trustee's Motion to Strike Expert Testimony Filed by Carol A Licko on behalf of Defendant General Electric Capital Corporation (related document(s)[653]) Doc #729 - Denied w/o/p to raise at Trial, order by Berman

(9) Motion for Reconsideration Regarding Ventas's Summary Judgment Motion Filed by Daniel J Weiss on behalf of Defendants Ventas Realty, LP, Ventas, Inc. Doc #825 [Not Noticed] - Under Advisement, order by Ct. (Law Clerk)

(10) Motion for Reconsideration and Request for Hearing regarding General Electric Capital Corporation's Motion for Summary Judgment Filed by Carol A Licko on behalf of Defendant General Electric Capital Corporation Doc #833 [Not Noticed] - Under Advisement, order by Ct. (Law Clerk); Order on Trial schedule (Opening Statements & Obj. to designations of Depo. Transcripts) by Berman

Proposed Orders, if applicable, should be submitted within three days after the date of the hearing - Local Rule 9072-1(c). Orders not submitted by the time of closing will result in motions/objections/applications being denied as moot. This docket entry/document is not an official order of the Court.